

ITM

MR1035-1482



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yung-Hsiao Lai, et al.
Serial No. : 10/765,383 : Art Unit #2621
Examiner: M. N. Dunn
Filed : 27 January 2004 : Attn: Patent Petitions Branch
Title : SYSTEMS AND METHODS FOR CACHING
MULTIMEDIA DATA

REQUEST FOR REINSTATEMENT OF PATENT APPLICATION
TO A PENDING STATE AND THE ISSUANCE OF A
CORRECTED OFFICIAL ACTION

Mail Stop PETITIONS
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, by the undersigned attorney hereby requests reinstatement of the above-referenced patent application and the issuance of a corrected Official Action.

The facts as known to the undersigned attorney are as follows:

(1) This Request for Reinstatement of the above referenced patent application is being filed within two months of the Notice of Abandonment dated 19 March 2008;

(2) That the original patent application was filed on 27 January 2004. The prosecution of the patent application, Serial No. 10/765,383, was transferred to the firm of Rosenberg, Klein & Lee (RKL) having a business address at 3458 Ellicott Center Drive, Suite 101, Ellicott City, Maryland 21043;

(3) That patent application upon being transferred to RKL was given the RKL internal Docket No. MR1035-1482;

(4) That an Official Action was mailed from the USPTO on 17 August 2007 and received by RKL circa 20 August 2007;

(5) That a report to the client was initiated a few days later but was not completed due to a fatal error in the Official Action where the Examiner based the Official Action on the Fortin et al. Reference 2005/0278532;

(6) That as part of the reporting to the client of the Official Action, the undersigned attorney pulled down Reference 2005/0278532 from the USPTO website and found that this was a Publication having the inventors Zhi Fu, et al. and that the Publication did not correspond to the rejection discussion in the Official Action as to the specification of the Publication nor the Figures;

(7) That the Official Action mailed on 08/17/2008 did not list either the Fortin et al. Reference or the Publication No. 2005/0278532 on the PTO 892 Form (Cited Reference Form);

(8) That the undersigned attorney then telephone the Examiner Mitiku W. Debelie at 571-270-1760 on 24 August 2007 to inform the Examiner that the Official Action was incorrect and that no report could be generated to the client nor could any response be made to the Official Action. The undersigned attorney

received the Examiner's voice mail and the undersigned attorney requested a call back;

(9) That on 27 August 2007, the Examiner called the undersigned attorney and stated that a new Office Action would be sent;

(10) That no further correspondence was received from the USPTO with regard to new and corrected Official Action;

(11) That on 14 March 2008, a telephone call was received from another Examiner (presumably a new Examiner in this case) Mishawn N. Dunn inquiring whether a response was made to the Official Action;

(12) That the file was pulled from the RKL files and the undersigned attorney saw that the original Official Action dated 17 August 2007 was in the file with no response being made and so informed the Examiner that no response was made;

(13) That a Notice of Abandonment was sent by the USPTO on 19 March 2008 and upon receiving the Notice of Abandonment, the file was opened and reviewed to find that RKL is still awaiting the Corrected Official Action;

(14) That Examiner Dunn was contacted on 14 April 2008 (voice mail) and on 15 April 2008 (voice mail) and that SPE Thai Dan was telephoned on 15 April 2008 (voice mail);

(15) That both Examiner Dan and Examiner Dunn called back a few days later (however, no exact date is known) and indicated that the undersigned attorney should request reinstatement of the patent application;

(16) That no response could be made to the Official Action dated 17 August 2007 since the original Examiner was obviously arguing some unknown reference;

(17) That RKL uses a computer docketing system to indicating Official Actions received and response dates. A copy of the screen page of the RKL computer is attached showing no Official Action received nor due (Item 12) (Exhibit A). However, it is to be noted that when the Official Action came in, such was entered into the computer system, but subsequently removed after the original Examiner indicated that a new action would be sent;

(18) Attached is the front page of Publication No. 2005/0278532 (Exhibit B) which is the incorrect main reference cited by the Examiner;

(19) That as a back-up docketing system (for the computer system) RKL uses a hard calendar to show when Actions are due. When an Action is received, the Action due date is entered before it is processed and references downloaded. The entry was made as is evidenced by Exhibit C. However, the term “*BAD ACTION” was entered at a later time subsequent to the telephone calls indicating that the Examiner would be sending a new Action (the undersigned attorney is not

exactly sure of the date when the “BAD ACTION” was entered, but it is believed to have been around the time that the original Examiner called back on or about 27 August 2007);

(20) That from time to time Official Actions are received by RKL where the Official Action may be incomprehensible, incorrect or fatally defective. Previously, calls to the Examiners were made and invariably, a new “Office Action” was issued. However, in light of a number Official Action recently received of this nature, a new policy has been adopted by RKL to: (a) telephone the Examiner indicating the errors; and (b) briefly responding to the Official Action (in writing) indicating that the Official Action is deficient;

(21) It is not believed that any response to the original Official Action could be made by the undersigned attorney since the arguments made by the Examiner were incomprehensible in light of Applicant’s specification and drawings as filed and related to another reference not applicable to the subject patent application.

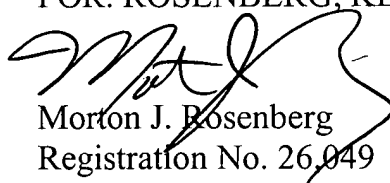
It is thus respectfully requested that this patent application be reinstated and that a corrected and new Official Action be sent to the undersigned attorney.

It is not believed that there are any fees associated with this Reinstatement, however, if there are any fees associated therewith, the Honorable Commissioner

MR1035-1482
Appln. No. 10/765,383
Request for Reinstatement

for Patents and Trademarks is hereby authorized to charge Deposit Account 18-
2011 for such charges.

Respectfully submitted,
FOR: ROSENBERG, KLEIN & LEE



Morton J. Rosenberg
Registration No. 26,049

Dated: *13 May 2008*

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PATENT DOCUMENT SCREEN DISPLAY

1- DOCKET #: MR1035-1482	2- DOCUMENT #: 1
3- COUNTRY: US	4- CLIENT DOCKET #: IAM-AE-04023
5- TYPE: UTILITY PATENT APPLICATION	6- RESPONSIBLE ATTORNEY: MJR
7- TITLE: SYSTEMS AND METHODS FOR CACHING	8- BUS. STATUS: LARGE ENTITY
8- SERIAL #: 10/765383	9- MULTIMEDIA DATA
10- PARENT DOC. #: US/P/60/461664	11- FILING DATE: 1 / 27 / 2004
12- ACTIONS: NONE	12- PRIORITY DATE: 4 / 9 / 2003
13- APPEAL #: NONE	14- COURT DOCKET #: NONE
15- INTERFERENCE #: NONE	16- MAINTENANCE STATUS: NONE PAID
17- PATENT NUMBER: NONE	18- ISSUED: NOT APPLICABLE
19- NEXT MAINT. FEE: NOT APPLICABLE	20- EXPECTED EXP'N: 1 / 27 / 2024
21- INVENTORS: YUNG-HSIAO LAI / ANDY	22- CHAO HUNG
22- APPLICANT: SAME	24- USPTO RECORDATION: 14940 / 371
23- ASSIGNEE: INTERVIDEO, INC.	26- GO TO NEXT DOCUMENT
25- STATUS: PENDING/NO ACTIONS	

*****MORE CHANGES TO THE SAME REFERENCE*****
DO YOU HAVE ANY MORE CHANGES TO BE MADE TO THIS REFERENCE?
(ANSWER YES OR NO):

NOVEMBER

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TUESDAY

WEDNESDAY**THURSDAY****FRIDAY**

SATURDAY

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EXHIBIT C